

SEAL OF CONFESSION.

No Recorded Instance of Betrayal of the Priestly Trust.

DISCUSSION IN CATHOLIC CIRCLES

Brought Out by the Foundation of a Play Which Has Been Produced in a New York Theatre—Cardinal Gibbons' Views—Legal and Moral Laws Affecting the Question Which Now Occasions Concern Among Catholics.

New York, Feb. 8.—The Herald has the following: There has been a good deal of criticism in the last few days about the foundation incident of "The Broken Seal," put on the stage of the New York Theatre on Wednesday night, and from which the play has taken its name. Catholics, particularly, are likely to be expected naturally, are chiefly concerned in the representation of a priest of that faith, who finally renounces his church office and, as they maintain, degrades his office by revealing a secret of the confessional. I may here repeat a question asked in the Herald on the morning following the first presentation of this play. It is as follows:

What does it think of a priest who, after keeping a secret for twenty years—a secret confided to him under the seal of confession—at last betrays his trust, discloses his church and proves himself unfaithful to his mission?

It is not difficult to answer that question, though there is yet to be recorded, so far as I can ascertain, the first instance in real life in which this unfaithfulness could be charged against a priest. The question, in all of its phases, legal as well as moral, is one of considerable interest.

Replying to a letter containing a question on the subject Cardinal Gibbons wrote:

CARDINAL GIBBONS' VIEWS.

My DEAR SIR:—In reply to your esteemed favor of yesterday I beg to say that I do not know of any instance under my own observation nor of any recorded in ecclesiastical history, where the seal of the confessional was ever violated. This fact can be affirmed, not only of those priests who have remained faithful to their sacred calling, but even of those who from time to time have proved unfaithful.

This involuntarily may without presumption be regarded as an additional proof, not only of the inviolability of the sacrament of Penance, but also of the special protection of God over those who are charged with the important duty of hearing confessions.

It is interesting to note that the first case in which the principle of inviolability of the confessional was legally recognized in this country occurred in this city way back in 1812, when the Rev. Anthony Kohlmann refused to reveal information imparted to him by a penitent. Pending the trial of a man and his wife as receivers of stolen goods the property was returned to its rightful owner by Father Kohlmann, and when the case was tried an effort was made to learn the name of the thief through the priest. When called to the stand Father Kohlmann said that he must decline to give any information of what had been confided to him in his character as a priest in the confessional, and as in his private capacity he knew nothing about the case, he was therefore unable to give the court any information.

The question was argued at great length by the lawyers in attendance. De Witt Clinton was the presiding magistrate, and in his decision, upholding the position taken by the priest, he said:

"Although we differ from the witness and his friends in our religious creed, yet there is no reason to question the purity of their motives. They are protected by the laws and the constitution of this country in the full and free exercise of their religion, and this court can never countenance nor authorize the application of an insult to their faith or of torture to their consciences."

Father Kohlmann was at this time administrator of the diocese of New York. He was a Jesuit at the time when that society was suppressed and became administrator upon the death of Bishop Connolly. He was rector of St. Peter's church. He it was who with his assistant, Father Fenwick, late Bishop of Boston, called upon "Tom" Paine to extend spiritual succor before the latter's death. Paine declined their good offices.

THE PRINCIPLE INVOLVED.

Thus was the secrecy of the confessional legally established in this country in conformity with the custom in England, France and other civilized countries in which it is still maintained. The principle involved is that the priest in the confessional loses his individuality and assumes a representative character as the servant of God, to whom the confessions are made.

Yet at this time it was held that secrets imparted to a clergyman in his professional character, though not in confessional, were at the disposal of the courts of justice, as at that time, were the secrets of a patient in the possession of a physician.

It is a curious fact that under the old common law lawyers were the only class of professional men in whom clients were free, with safety, to confide. When in their professional capacity they had received information from clients they could not be compelled to repeat it in court. This being the case it seems somewhat strange that it took a statute to close the mouths of physicians and clergymen. Many contests marked the proceedings of the legal fraternity previous to the enactment of the statute, which occurred during the Thirties. The section relating to the privileges of clergymen was, of course, retained in the Code and is No. 833. It will be observed that its provisions are mandatory. It reads:

A clergyman or other minister of any denomination shall not be allowed to disclose confidences made to him in his professional character in the course of discipline enjoined by the rules of practice of the religious body to which he belongs.

This statute covers all confessions which may come to a clergyman under the seal of secrecy, whether such clergyman be acting in the confessional or otherwise. It is of course necessary for him to be acting professionally, as would a physician attending upon a patient or a lawyer obtaining information from his client.

JUDGE McADAM ON THE LAW.

Perhaps a consensus of views upon the subject is expressed in the opinion and words of Judge McAdam, of the superior court, with whom I talked about it. He pointed out to me the laws affecting the question and in the course of his remarks said:

"According to the law a priest is not

only not required to reveal but he is absolutely prevented from revealing information upon any subject, no matter how grave, that he receives in his professional capacity. Confessions made to a priest in the confessional are considered as not made to the priest himself—in his personal capacity—but to the deity whom he represents in theory. It is true it required the adoption of a statute to cover the question of a clergyman acting in his ecclesiastical character though not in confessional. The theory is the same.

"I cannot now recall a single instance in which a priest has broken the seal of the confessional. The Church of Rome, it seems, has provided a penalty for such serious act on the part of its priests, though I do not know what it is.

"Of course you will see that it is necessary for the priest to be acting in his representative capacity—that is, I might commit an offense and acknowledge it to a priest, not knowing him to be such, or he might learn of it in his individual capacity, in which case his testimony should be received. The same information conveyed to him in his capacity as a spiritual adviser or confessor would be considered sacred.

"And legally the relations of the priest and the man who confesses are now identical with those existing between lawyer and client."

IN ACCORD WITH POPULAR SENTIMENT.

A lawyer, no matter in what capacity he may be employed, is not permitted to disgorge communications made to him by his client in the course of professional relations. The privilege belongs to the client. It commences the moment the relation of attorney and client is formed, and continues forever thereafter. The professional relation between lawyer and client is peculiar.

Some years ago an English advocate of high repute, assigned by the court to defend a criminal charged with murder, declined to defend him, upon the ground that he had told the lawyer he was guilty. The counsel was severely reprimanded for this breach of confidence, and proceedings to disbar him were directed to be instituted. This advocate never pleaded another cause, and his sin was looked upon as unpardonable. This may seem strange, but not in view of the fact that the communication made to the advocate was under the seal of professional secrecy, which the advocate had no right to break. A prisoner may plead guilty to any minor crime, but in cases of felony, involving the death penalty, the practice of the courts is not to receive a plea of guilty. Human life cannot be consented away. There must be a trial and a verdict of his peers before human life can be taken. This has been the practice for many years, and is in accord with popular sentiment.

"As the prisoner cannot consent away his life by a plea of guilty, it was an unpardonable sin for his professional confidant to state that which the law would not permit the prisoner to state.

"Just so it is with the priest and penitent. Just as sacred, also, though no more so in law, is the relation of physician and patient. You may remember the famous Burdell murder case and the Cunningham bogus baby. Dr. Mott was called upon to attend the woman in her supposed confinement. He discovered the fraud, informed the police, and the attempt to foist a bogus heir as the claimant to the Burdell estate was frustrated. The doctor's testimony was taken in the interest of public justice and to punish crime, but the medical fraternity never took kindly to Dr. Mott after that. He was called upon by them to account for his unprofessional conduct, and nothing but the vigorous support of the press, his age and high standing in the profession saved him from censure and condemnation by the fraternity.

"All who know the old doctor know that he was the soul of honor, incapable of doing a dishonest act, and I refer to the incident merely to show how sensitive the professions are on the subject of exposing confidence bestowed in them."

NO GRAVER OFFENSE.

I asked Father McGean, rector of St. Peter's Church, whether his attention had ever been called to an instance of the violation of the confessional's secrecy by a priest. He replied that he had never heard of such a case and did not believe there was any record of such a betrayal. To the question what punishment the Church proscribed in such an instance, he answered that he could not tell.

"The fact is," he went on, "I don't know that my mind has ever given a thought to that subject. In general terms I should say that the priest who could so far renounce his sacred calling and character as to violate the confidences of the penitent in confessional, would be ipso facto deprived of his offices and silenced. In our country and in these times that is the most severe punishment that could be visited upon a priest. You must know that the priest acts in confessional as the servant of God, to whom Christ has given power to absolve the penitent from his sins."

"Now that you have called my attention to the subject," continued Father McGean, "I remember a long time ago to have read a story—an invention—laid in Ireland, that bears upon this very question. According to the story the murderer of a man went to his priest, who was the brother of the victim, and confessed his crime. Here was the situation: In his personal capacity the priest knew nothing and could do nothing in the matter, yet before him was the murderer of one of his own flesh and blood. The story went on that this priest, on some pretext or other, induced the criminal to walk with him, and led the way past the spot where the deed was committed. Here the murderer, still in his own mind regarding the priest as his spiritual adviser, pointing, said:

"There is the place. There is where I killed him."

"With that the priest seized him, exclaiming: 'Now I know it. You are a murderer,' and proceeded to give the man up."

HIGHLY IMPROBABLE.

"I remember I made at the times some marginal notes on the pages containing this story to the effect that it was highly improbable. You see the priest under no circumstances would be privileged to make any use whatever of the information which, according to the story, he gained from the penitent in the confessional."

"It is a fact, also, that those priests who have become apostates never reveal what they may have learned while members of the church. You sometimes read advertisements of lectures by these apostates in which secrets of the confessional are to be revealed. Yet they never are revealed. The lecturer says, perhaps, that such and such offenses are confessed to the priest, but I know of no instance in which revelations of specific acts have been made.

"Information may come to a priest in his professional capacity as well as in his representative capacity while in the confessional. That is, a man may call upon me here and confess that he has committed some offense and ask my advice. I give it in my professional capacity. That confidence must be respected by a court of law, yet the

HAVE YOU THE GRIPPE?

Many People Have It and Do Not Know It. How to Recognize the Symptoms and How to Treat Them.

Hundreds of people have the Grippe who do not know it. Not necessarily the final stages, but the first stages. They feel pains in the head, and a bad taste in the mouth, get tired and despondent, have chilly sensations, limbs and muscles ache. In some cases these things are overlooked. In most cases perhaps they are considered simply a slight cold. In nearly every case they indicate the coming of Grippe.

There is but one thing to do when these symptoms appear, and that is to take prompt and vigorous measures to fortify nature to repel the enemy. A little well directed effort at just the right time will accomplish very much more than labored efforts afterwards. There is but one thing to be done, and that is to use a pure stimulant, something that will promptly arrest, and in no way injure, something endorsed by scientists, recommended by physicians, and popular because so efficient—Duffy's Pure Malt Whiskey. Two years ago, and last year when the Grippe was raging, this was the standard remedy used, and recommended by the profession. It did more to prevent the Grippe than all other known or recommended remedies. It preserved many people in health who would otherwise have been grievously sick, perhaps even worse. It is as efficient to-day as ever. It should be borne in mind that other so-called whiskeys may not be so efficient, and if any dealer asserts that such whiskeys are the same, distrust him at once. There is but one medicinal whiskey, and that is Duffy's Pure Malt.

church does not regard it so sacredly as though communicated to a priest in confessional. At the same time I would be guilty of a most dishonorable act were I to reveal the information thus made to me.

"The point of the whole matter is this, that if confidence in the secrecy and sacred character of the confessional were shaken in the slightest degree people would remain away from it."

MYSTERIOUS OUTRAGE.

Persistent Attempt to Murder a Young Lady at New Albany.

NEW ALBANY, IND., Feb. 8.—Mabel McCaffrey, a highly reputable girl of this city, aged fifteen years, has had a remarkable experience the past two days. She is the daughter of Mr. Charles McCaffrey, and the family reside at West Third and Water streets, Friday morning about 9 o'clock, while standing in the front door of her home, she was assaulted by a boy aged fifteen or sixteen years, who ran up to her and struck her in the mouth with a stone, badly cutting her lips. This morning she had gone to the front door to answer a call, when the same boy met her, and drawing a pistol fired upon her, the ball entering her left cheek, passing backward, and fracturing her jaw, and lodging in the back of neck, the wound being possibly fatal. The boy is wholly unknown to the unfortunate young lady, who never saw him till he assaulted her Friday morning. After both assaults he escaped through an alley, and into the yards of the Air Line Railway, where he succeeded in secreting himself among the many cars on the side tracks. The young lady was frightened and shocked, and the criminal fled so quickly that she can give no description of him further than he had on a dark suit of clothing. This is one of the most flagrant outrages and attempts at murder that have occurred in the city, and has caused intense excitement.

Beware of Ointments for Catarrh that Contain Mercury.

as mercury will surely destroy the sense of smell and completely derange the whole system when entering it through the mucous surfaces. Such articles should never be used except on prescriptions from reputable physicians, as the damage they will do is ten fold to the good you can possibly derive from them. Hall's Catarrh Cure, manufactured by F. J. Cheney & Co., Toledo, O., contains no mercury, and is taken internally, and acts directly upon the blood and mucous surfaces of the system. In buying Hall's Catarrh Cure be sure you get the genuine. It is taken internally, and made in Toledo, Ohio, by F. J. Cheney & Co.

Sold by druggists, price 75c per bottle.

La Grippe.

No healthy person need fear any dangerous consequences from an attack of la grippe if properly treated. It is much the same as a severe cold and requires precisely the same treatment. Remain quietly at home and take Chamberlain's Cough Remedy as directed for a severe cold and a prompt and complete recovery is sure to follow. This remedy also counteracts any tendency of la grippe to result in pneumonia. Among the many thousands who have used it during the epidemics of the past two years we have yet to learn of a single case that has not recovered or that has resulted in pneumonia. 25 and 50 cent bottles for sale by druggists.

Specimen Cases.

S. H. Clifford, New Cassel, Wis., was troubled with Neuralgia and Rheumatism, his Stomach was disordered, his Liver was affected to an alarming degree, appetite fell away, and he was terribly reduced in flesh and strength. Three bottles of Electric Bitters cured him.

Edward Shepherd, Harrisburg, Ill., had a running sore on his leg of eight years' standing. Used three bottles of Electric Bitters and seven boxes of Bucklen's Arnica Salve, and his leg is sound and well. John Speaker, Catawba, Ohio, had five large Fever sores on his leg, doctors said he was incurable. One bottle Electric Bitters and one box Bucklen's Arnica Salve cured him entirely. Sold by Logan Drug Co.

There are said to be 200 women in New York who go to Europe twice a year to buy their dresses.

ADVICE TO WOMEN

If you would protect yourself from Painful, Profuse, Scanty, Suppressed or Irregular Menstruation you must use

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CANTONVILLE, April 23, 1891. This will certify that two members of my immediate family, after having suffered for years from Menstrual Irregularity, being treated without benefit by physicians, were at length completely cured by one bottle of Bradfield's Female Regulator. My effect is truly wonderful. J. W. STRANON.

Book to "WOMAN" mailed FREE, which contains full valuable information on all female diseases.

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Piso's Remedy for Catarrh is the Best, Easiest to Use, and Cheapest.

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Good Morning! You Are Hoarse!

Lightning Cough Drops

are something new in the way of a throat and lung balsam, are safe, certain and prompt in their action, and are a sure cure for COUGH, BRONCHITIS, and SORE THROAT.

Lightning Vegetable Liver Pills

are a sure cure for Sick Headache, Biliousness, Constipation, Piles and Inactivity of the Liver. 25 CENTS A BOX. Sugar Coated. One pill a dose. Don't gripe or make you sick.

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A panacea for external and internal use. For Rheumatism, Neuralgia, Diphtheria, Sore Throat, Sprains, Bruises, Lameless, Burns, Croup, Colds and all painful affections. A sure cure for Earache, Summer Complaint and Flux. 25 and 50 CENTS PER BOTTLE.

Keep them in the House, they will often Save Doctor Bills.

If you feel no relief after using two-thirds the contents of a bottle of these medicines return the remaining one-third to the dealer from whom you bought it and he will refund the price paid for the entire bottle.

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"Castoria is so well adapted to children that I recommend it as superior to any prescription known to me." H. A. ANGLIM, M. D., 111 So. Oxford St., Brooklyn, N. Y.

"The use of 'Castoria' is so universal and its merits so well known that it seems a work of supererogation to endorse it. Few are the intelligent families who do not keep 'Castoria' within easy reach."

CARLOS MARTIN, D. D., New York City. Late Pastor Bloomingdale Reformed Church.

"For several years I have recommended your 'Castoria,' and shall always continue to do so as it has invariably produced beneficial results."

EDWIN F. PARKER, M. D., "The Winthrop," 133rd Street and 7th Ave., New York City.

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By applying remedial agents—possessed of marvelous healing properties—directly to the inflamed mucous surfaces of all, even the most remote parts of the respiratory tract, and announcing them as effectually as if they were on the surface of the body.

Correspondence with all afflicted urgently solicited. Consultation and Medical Advice for all such

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COST MERELY NOMINAL, within the reach of every one, no matter what their financial condition. YOU CAN TREAT YOURSELF with perfect safety and absolute certainty of satisfactory results. WHILE OTHERS RELIEVE, WE GUARANTEE A CURE, and offer

\$500 for a Case of Catarrh, Bronchitis, Asthma or Catarrhal or Incipient Consumption We Cannot Cure,

And no case can be so aggravated or so far advanced that our treatment will not give instant relief. WRITE US AT ONCE FOR PARTICULARS.

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MANHOOD RESTORED! "Nerve Seeds," the wonderful remedy, is sold with a written guarantee to cure all nervous diseases, such as Weak Memory, Loss of Brain Power, Headache, Wakefulness, Loss of Manhood, Nightly Emissions, Nervousness, Lassitude, all drains and loss of power of the Generative Organs in either sex caused by over exertion, youthful errors, or excessive use of tobacco, opium or stimulants which soon lead to Infertility, Consumption and insanity. Put up convenient to carry in vest pocket. \$1 per package or by mail for two. With every \$5 order we give a certificate guaranteeing to cure or refund the money. Circular free. Address Nerve Seed Co., Chicago, Ill. For sale in Wheeling by the LOGAN DRUG CO., Fifth and Main streets.

Dr. Mott's Nerve Tonic For Men. This wonderful remedy is sold with a written guarantee to cure all drains and loss of power of the generative organs caused by youthful errors, weak memory, nightly emissions, nervous prostrations, wakefulness, loss of manhood, which soon lead to an early grave or insanity. Dr. Mott's Nerve Tonic has saved thousands from an early grave, it will save you. \$1.00 by mail or six boxes for \$5.00.

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PROPOSALS.

NOTICE TO CONTRACTORS.

OFFICE BOARD WORLD'S FAIR MANAGERS, PARKERSBURG, W. VA., Jan. 7, 1892.

Bids for the erection and completion of the State Building for West Virginia, to be built at Chicago, on the Columbian Exposition grounds, at Jackson Park, in accordance with the plans, drawings and specifications prepared for the same by J. L. Silsbee, architect of Chicago, Illinois, are called for by the Board of World's Fair Managers of West Virginia.

The plans and specifications will be on file at the office of the Board in Parkersburg, W. Va., office of John S. Naylor, Wheeling, W. Va., office of Hon. H. S. Carr, Charleston, W. Va., office of the County Clerk, Clarksburg, W. Va., office of Hon. George M. Bowers, Martinsburg, W. Va., and at the office of J. L. Silsbee, 33 Lakeside Building, Chicago, Illinois.

All bids must be for the whole of the building complete as called for, and for lumber produced within the State of West Virginia, except the frame work, which will be optional with the bidder; building to be completed by the 15th of October, 1892.

Each bidder must furnish with his bid a bond of \$10,000 with three sureties satisfactory to the Board, for the full and proper performance of the work as set forth and required by the architect, and to insure the Board against all loss, damages or other suits arising from the negligence of the contractor or otherwise, as connected with the construction of this building, and for any other matters that may come into dispute whatsoever.

All bids must be sent in conforming to the above terms to W. N. Chancellor, President of the Board of World's Fair Managers, Parkersburg, W. Va., by the 10th day of February, 1892, on which day the Board will meet to open and consider the bids.

The Board reserves the right to reject any or all bids, and to deduct from the contract all material furnished by the board, or any change lessening the cost of the building. The attention of West Virginia bidders is especially called to this notice.

By order of the Board of Managers, W. N. CHANCELLOR, President, M. C. McKAY, Secretary.

STEAMERS.

FOR CINCINNATI, LOUIS VILLE, MEMPHIS, ST. LOUIS, NEW ORLEANS AND INTERMEDIATE PORTS. Will leave Wheeling, foot of Eleventh street, at follows:

Steamer "KEYSTONE STATE," for Cincinnati, Ohio, every Tuesday at 8 a. m. T. S. Callahan, Master; J. H. Kiser, Clerk.

Steamer "ANDIS," for Cincinnati, Ohio, every Wednesday at 8 o'clock a. m. E. B. Cooper, Master; A. J. Slaven, Clerk.

Steamer "Heros," every Thursday at 8 a. m. J. F. Ellison, Master; Dan Lacey, Clerk.

Steamer "SCOTT," every Saturday at 8 a. m. George W. Rowley, Master; Robert H. Kerr, Clerk.

Steamer "CONGO," every Sunday at 8 a. m. Ed. P. Maddy, Master; J. Wehrman, Clerk.

First-class fare, Wheeling to Cincinnati, \$1. Round trip, \$1.25. Meals and state-room included. Tickets transferable and good until used. For freight or passage apply on board, or telephone No. 312.

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STEAMER R. E. PHILLIPS. Leave Wheeling, Daily Trip. City Time—5:30 A. M.; 10:00 A. M.; 1:30 P. M.; 4:00 P. M.; 6:30 P. M. Leave Wheeling Sundays, City Time—8:00, 10:30 and 12:00 a. m.; 2:30, 4:00, 6:00 p. m.

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